

## REMARKS

Claims 8 to 15 are pending in the present application after this amendment adds new claim 15.

The specification has been amended to respond to the objection. No new matter has been added.

Figure 2 has been amended to include the legend --Prior Art--. No new matter has been added.

In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable for at least the following reasons, and reconsideration is respectfully requested.

### Rejection Under 35 U.S.C. § 102(b)

Claims 8 to 10, 13, and 14 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,650,568 ("Greiff"). Applicants respectfully submit that claims 8 to 10, 13, and 14 are in condition for allowance, for at least the following reasons.

To reject a claim under 35 U.S.C. § 102, the Office must demonstrate that **each and every claim limitation is identically disclosed** in a single prior art reference. (See Scripps Clinic & Research Foundation v. Genentech, Inc., 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). "The identical invention must be shown in as complete detail as is contained in the claim." M.P.E.P. § 2131. Applicants respectfully submit that Greiff does not disclose, or even suggest, each and every element of the claimed invention.

Independent claim 8 relates to a micromechanical yaw rate sensor which includes, among other things, a substrate, a bridge, an anchoring device, and a flexural spring device. The micromechanical yaw rate sensor according to amended claim 8 also includes an annular flywheel that is connected via the flexural spring device with the anchoring device. In the micromechanical yaw rate sensor according to amended claim 8, at least one V-shaped flexural spring of the flexural spring device is attached to each of opposite sides of the bridge in such a way that an apex is situated on the bridge and limbs of the V-shaped flexural spring are spread towards the annular flywheel with an opening angle other than 90 degrees. Support for the amendments to claim 8 may be found, for example, in Figure 1.

Applicants respectfully submit that Greiff does not discuss, or even suggest, limbs of a V-shaped flexural spring spread towards an annular flywheel with an opening angle in which the opening angle is other than 90 degrees. The Office apparently relies on

spoke flexures 158a to 158d of Greiff as purportedly disclosing Applicants' recited limbs of the V-shaped flexural spring. However, Greiff does not describe, or even suggest, that spoke flexures 158a to 158d spread towards an annular flywheel with an opening angle other than 90 degrees. Greiff shows each spoke flexure 158a to 158d forming an angle of 90 degrees with each adjacent spoke flexure 158a to 158d. (Figures 8 and 9). Greiff does not disclose, or even suggest, V-shaped flexural spring with an opening angle of other than 90 degrees as recited in amended claim 8. Therefore, Greiff does not anticipate the subject matter of amended claim 8.

Additionally, it is respectfully submitted that Greiff does not disclose, or even suggest, that at least one V-shaped flexural spring of a flexural spring device is attached to each of opposite sides of a bridge such that an apex is situated on the bridge. In Greiff, spoke flexures 158a to 158d attach to central hub 150 (Figure 8, col. 14, lines 29 to 34), not a bridge. Moreover, spoke flexures 158a to 158d do not form an apex on any bridge, nor more particularly any apex whatsoever since spoke flexures 158a to 158d apparently terminate at central hub 150, which is round (Figure 8). Therefore, it is respectfully submitted that Greiff does not anticipate the subject matter of amended claim 8.

Claims 9, 10, 13, and 14 depend from claim 8 and are therefore allowable for at least the same reasons as claim 8 is allowable.

For at least the reasons discussed above, withdrawal of the rejection under 35 U.S.C. §102(b) with respect to claims 8 to 10, 13, and 14 is respectfully requested.

#### **Rejection Under 35 U.S.C. § 103(a)**

Claims 11 and 12 were rejected under 35 U.S.C. § 103(a) as unpatentable over Greiff. Applicants respectfully submit that claims 11 and 12 are in condition for allowance for at least the following reasons.

Claims 11 and 12 depend from claim 8 and are therefore allowable for at least the same reasons as claim 8 is allowable.

Additionally, claim 11 recites that the opening angle is selected such that a natural frequency about the axis of rotation situated perpendicular to the surface of the substrate is smaller than each natural frequency about the axis of rotation situated parallel to the surface of the substrate. Pursuant to the specification of the present application, the selection of the opening angle between the V-shaped spring arms has the express purpose of establishing a suitable resonant frequency ("natural frequency"). (Specification, page 5, ll. 20

to 22). The Office Action asserts that the selection of the opening angle may be the result of “design choice clearly within the preview of one having ordinary skill in the art.” (Office Action, page 4, sec. 6, ll. 9 to 11). Applicants respectfully disagree that the selection of an opening angle in accordance with claim 11 is within the ordinary level of skill in the art. There is no disclosure in Greiff of selecting an opening angle such that a natural frequency about the axis of rotation situated perpendicular to the surface of the substrate is smaller than each natural frequency about the axis of rotation situated parallel to the surface of the substrate. Applicants respectfully request a specific citation to a reference showing this feature, or that the rejection be withdrawn.

For at least the reasons discussed above, withdrawal of the rejections under 35 U.S.C. §103(a) with respect to claims 11 and 12 is respectfully requested.

#### **New Claim 15**

New claim 15 includes the features of claim 8 and claim 11 as previously filed. Specifically, new claim 15 recites, *inter alia*, that the opening angle is selected such that a natural frequency about the axis of rotation situated perpendicular to the surface of the substrate is smaller than each natural frequency about the axis of rotation situated parallel to the surface of the substrate. Therefore, claim 15 is allowable for at least the same reasons presented in favor of claim 8 and claim 11 above. Namely, Applicants respectfully submit that Greiff does not disclose, or even suggest, that at least one V-shaped flexural spring of a flexural spring device is attached to each of opposite sides of a bridge such that an apex is situated on the bridge. Additionally, Applicants respectfully disagree that the selection of an opening angle such that a natural frequency about the axis of rotation situated perpendicular to the surface of the substrate is smaller than each natural frequency about the axis of rotation situated parallel to the surface of the substrate is within the ordinary level of skill in the art. Applicants therefore respectfully submit that claim 15 is allowable.

### CONCLUSION

Applicants respectfully submit that all of the pending claims of the present application are now in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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